



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

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In re:

MICHAEL AND ROBIN KALFUS,

Debtors.

Case No. 18-13396 (VFP)

Hon. Vincent F. Papalia, U.S.B.J.

Chapter 7

**ORDER DENYING MOTION FOR AN ORDER EXCLUDING SHERIFF'S
COMMISSION FROM THE SALE OF THE DEBTORS' REAL PROPERTY AND
DIRECTING TRUSTEE TO PAY STATUTORY COMMISSION TO MORRIS
COUNTY SHERIFF FROM ESCROWED FUNDS**

The relief set forth on the following pages, two (2) through three (3), is
hereby **ORDERED**.

DATED: September 10, 2018


Honorable Vincent F. Papalia
United States Bankruptcy Judge

THIS MATTER having been opened to the Court upon the Motion of Michael and Robin Kalfus (the “Debtors”) for an order excluding the statutory commission of The County of Morris, Morris County Sheriff (the “MC Sheriff”), from the sale of the Debtors’ real property (the “Motion”) [Docket No. 40]; and the MC Sheriff having filed an Objection to the Motion (the “Objection”) [Docket No. 62], along with a Certification of Michael Turkot, with exhibits (the “Turkot Cert.”); and the Court having entered an Order on August 1, 2018 converting the Debtors’ bankruptcy case to a Chapter 7 case [Docket No. 76]; and the Office of the United States Trustee having thereafter appointed Steven P. Kartzman (the “Trustee”) as Chapter 7 trustee for the Debtors; and the Trustee having thereafter filed with the Court a letter dated August 31, 2018 (the “Reply”) [Docket No. 97], as well as another letter dated September 4, 2018 the “Supplemental Reply”) [Docket No. 98], in response to the Objection; and the Court having conducted a hearing on the Motion on September 5, 2018, at which time the Court heard and considered the oral arguments of counsel; and the Court having considered the Motion, the Objection, the Turkot Cert., the Reply, the Supplemental Reply and the oral arguments of counsel at the September 5, 2018 hearing; and the Court having also considered the Debtors’ Motion to Sell Property Free and Clear of Liens (the “Sale Motion”) [Docket No. 12], the Objection of Haven Savings Bank to the Sale Motion (the “Sale Motion Objection”) [Docket No. 19] and the Debtors’ March 16, 2018 Response to the Sale Motion Objection [Docket No. 23]; and the Court having determined that the Supplemental Reply was untimely; and the Court having issued an

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Imaged Certificate of Notice Page 3 of 4
Debtor: Michael and Robin Kalfus
Case No.: 18-13396 (VFP)
Caption of Order: ORDER DENYING MOTION FOR AN ORDER EXCLUDING
SHERIFF'S COMMISSION FROM THE SALE OF THE
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PAY STATUTORY COMMISSION TO MORRIS COUNTY
SHERIFF FROM ESCROWED FUNDS
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oral decision on the Motion at the conclusion of the September 5, 2018 hearing; and for
good cause shown,

IT IS HEREBY ORDERED that:

1. For all the reasons set forth by the Court on the record at the September 5, 2018 hearing, the Motion is hereby DENIED.
2. The Trustee or the Debtors, whichever is in possession of the escrowed sale proceeds, is hereby directed, within five (5) days of entry of this Order, to pay the sum of \$13,483.99 from the escrowed sale proceeds to the MC Sheriff in full satisfaction of the MC Sheriff's statutory commission under N.J.S.A. 22A:4-8.

In re:
Michael Kalfus
Robin Kalfus
Debtors

Case No. 18-13396-VFP
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Sep 11, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 13, 2018.

db/jdb +Michael Kalfus, Robin Kalfus, 7 Lakeview Terrace, Montville, NJ 07045-9158

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 13, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 11, 2018 at the address(es) listed below:

Anthony Sodono, III on behalf of Joint Debtor Robin Kalfus asodono@trenklawfirm.com
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Christian Del Toro on behalf of Creditor Haven Savings Bank cdeltoro@martonelaw.com, mrozea@leopoldassociates.com;bky@martonelaw.com
David Gerardi on behalf of U.S. Trustee U.S. Trustee david.gerardi@usdoj.gov
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John A. Fialcowitz on behalf of Plaintiff Fishman consulting group, llc john@fialcowitzlaw.com
Joseph L. Schwartz on behalf of Interested Party The County of Morris, Morris County Sheriff's Office jschwartz@riker.com
Joseph R Zapata, Jr. on behalf of Trustee Steven P. Kartzman jzapata@msklaw.net
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Melissa S DiCerbo on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE (CWALT 2005-J9) nj-ecfmail@mwc-law.com, nj-ecfmail@ecf.courtdrive.com
Rebecca Ann Solarz on behalf of Creditor VW Credit Leasing, Ltd rsolarz@kmllawgroup.com
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TOTAL: 26